



Costa Rica

Country Reports on Human Rights Practices - [2002](#)

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Costa Rica is a longstanding, stable, constitutional democracy with a unicameral Legislative Assembly directly elected in free multiparty elections every 4 years. The presidential term of Miguel Angel Rodriguez of the Social Christian Unity Party (PUSC), who was elected in February 1998, ended on May 8 with the inauguration of Abel Pacheco de la Espriella, also of the PUSC. Pacheco was elected president during a second-round vote in April that was necessitated by the failure of any one candidate to obtain the constitutionally required 40 percent of the popular vote during the first-round election in February. The judiciary was generally independent.

The 1949 Constitution abolished the military forces. The Ministry of Public Security—which included specialized units such as the antidrug police—and the Ministry of the Presidency shared responsibility for law enforcement and national security. Several police units were combined within the Ministry of Public Security into a single "public force" that included the Border Guard, the Rural Guard, and the Civil Guard. Public security forces generally observed procedural safeguards established by law and the Constitution; however, there were a few reports of police abuse of authority.

The market economy was based primarily on light industry, tourism, and agriculture; the country's population was approximately 3.85 million. The Constitution protects the right to private property; however, domestic and foreign property owners encountered considerable difficulty obtaining adequate, timely compensation for lands expropriated for national parks and other purposes. The law grants substantial rights to squatters who invade uncultivated land, regardless of who may hold title to the property. Real gross domestic product (GDP) growth was estimated at 0.9 percent in 2001, compared with 1.7 percent in 2000. In October the official unemployment rate was 6.8 percent, the highest in 17 years. An estimated 21 percent of the population lived in poverty.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of dealing with individual instances of abuse; however, there were problems in a few areas. There were some instances of physical abuse by police and prison guards, and the judicial system processed some criminal cases very slowly, resulting in lengthy pretrial detention for some persons charged with crimes. Domestic violence was a serious problem, and traditional patterns of unequal opportunity for women remained, despite continuing government and media efforts to advocate change. Abuse of children also remained a problem, and child prostitution was a serious problem. Child labor persisted. Costa Rica was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits cruel or degrading treatment and holds invalid any statement obtained through violence, and the authorities generally abided by these prohibitions; however, members of the public forces were responsible for some physical

abuse. An effective mechanism for lodging and recording complaints of police misconduct existed. The Ombudsman's office served as a recourse to citizens who had complaints about violations of their civil and human rights and about deficiencies in public and private infrastructure. It investigated complaints and, when appropriate, initiated suits against officials.

The Ombudsman's office received 44 reports of police abuse of authority or misconduct. At year's end, 24 reports were still being investigated, 12 were determined to be legitimate, and 8 were determined to be without merit. This compared with 21 legitimate complaints received in 2001 and 52 in 2000.

A large percentage of Public Security Force police owed their appointments to political patronage. The Rodriguez and Pacheco administrations continued implementation of the 1994 Police Code and the 2001 Law for Strengthening the Civilian Police in an effort to depoliticize and professionalize the police force. That law amended the Police Code to replace military ranks with civilian titles, required the police academy to develop a course and diploma in police administration that includes material on the fundamental and universal principles of human rights, and attempted to ensure that police officials were not dismissed due to a change in administrations. The Government's long-term plan was to establish permanent, professional cadres, eventually resulting in a nonpolitically appointed career force.

Prison conditions were considered generally fair, and they generally met international standards. Prisoners were usually separated by sex and by level of security (minimum, medium, and maximum); however, overcrowding sometimes prevented proper separation. Most but not all pretrial detainees were held separately from convicted prisoners. During the year, the Ombudsman's office received eight complaints of physical abuse of prisoners by guards, of which four were still being investigated, two were determined to be legitimate, and two were determined to be without merit. The office also received 62 other complaints from prisoners alleging inadequate medical care, arbitrary administrative procedures, violation of due process of disciplinary procedures, unfair denial of prison transfer requests, and poor living conditions. Of these 62 complaints, 28 were still being investigated at year's end, 12 were determined to be legitimate, and 22 were determined to be without merit. The Ombudsman's office investigated all complaints and referred serious cases of abuse to the public prosecutor. Illegal narcotics were readily available in the prisons, and drug use was common.

Penitentiary overcrowding remained a problem. In December the Social Adaptation Division of the Ministry of Justice reported a total of 12,635 persons under its supervision, including 6,637 jailed prisoners, 1,044 persons required to spend nights and weekends in jail, and 4,452 persons in supervised work programs requiring no jail time. The overall prison overpopulation rate was 8 percent; however, crowding was more severe in several small jails. The San Sebastian facility in central San Jose, where many pretrial detainees were held, reported an overpopulation rate of 36 percent. After viewing conditions there in December, a judge ordered that no new prisoners be sent there until the overcrowding was relieved. His order was later applied to prisons in Liberia, Puntarenas, and San Ramon.

Problems during the year at La Reforma prison complex, the country's largest, drew attention to conditions in that prison. As of September, 3 homicides, 2 escapes, and a hunger strike involving 120 prisoners protesting poor conditions had taken place. The Ombudsman attributed the problems to overcrowding, crumbling infrastructure, lack of adequately trained prison personnel, lack of prisoner employment programs, and insufficient medical care. Local judicial officials also cited the practice of grouping hardened criminals together with first-time offenders because of a shortage of maximum-security units and an under-functioning drug-rehabilitation program.

Female prisoners were held separately in conditions that generally were considered fair, although overcrowding existed in the women's prison as well. Juveniles were held in separate detention facilities in campus-like conditions that generally were considered good. The juvenile penal system held 44 youths in detention and another 358 in supervised alternative sanction programs.

The Government permitted prison visits by independent human rights observers.

d. Arbitrary Arrest, Detention, or Exile

The Constitution and law prohibit arbitrary arrest and detention, and the Government generally respected these prohibitions in practice.

The law requires issuance of judicial warrants before making arrests. The Constitution entitles a detainee to a judicial determination of the legality of the detention during arraignment before a court officer within 24 hours of arrest. The authorities generally respected these rights.

The law provides for the right to bail, and the authorities observed it in practice. The authorities generally did not hold detainees incommunicado. With judicial authorization, the authorities could hold suspects incommunicado for 48 hours after arrest or, under special circumstances, for up to 10 days. A criminal court could hold suspects in pretrial detention for periods of up to 1 year, and the court of appeals could extend this period to 2 years in especially complex cases. The law requires that suspects in pretrial detention have their cases reviewed every 3 months by the court to determine the appropriateness of continued detention. According to the Ministry of Justice, in June there were 1,956 persons in pretrial detention, representing 23 percent of the prison population.

The Constitution bars exile as punishment, and it was not used.

e. Denial of Fair Public Trial

The Constitution and law provide for an independent judiciary, and the Government generally respected this provision in practice. The Constitution provides for the right to a fair trial, and an independent judiciary enforced this right.

The Supreme Court supervised the work of the lower courts, known as tribunals. The Legislative Assembly elected the 22 Supreme Court magistrates to 8-year terms, subject to automatic renewal unless the Assembly decided otherwise by a two-thirds majority. Accused persons could select attorneys to represent them, and the law provides for access to counsel at state expense for the indigent.

Persons accused of serious offenses and held without bail sometimes remained in pretrial custody for long periods (see Section 1.d.). Lengthy legal procedures, numerous appeals, and large numbers of detainees caused delays and case backlogs.

There were no new reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such practices; government authorities generally respected these prohibitions, and violations were subject to effective legal sanction. The law requires judicial warrants to search private homes. Judges could approve the use of wiretaps in investigations of genocide, homicide, procurement of minors, production of pornography, smuggling of minors, corruption of minors, trafficking in the organs of minors, and international crimes (which include terrorism and trafficking in slaves, women, children, or narcotics). Legal guidelines on the use of wiretaps, however, were so restrictive that the use of wiretaps was rare.

The law grants considerable rights to squatters who invade uncultivated land, regardless of who may hold title to the property. Irregular enforcement of property rights and duplicate registrations of title damaged the real property interests of many who believed they held legitimate title to land. Landowners throughout the country have suffered frequent squatter invasions for years. According to the Ministry of Public Security, there were no large-scale removals of squatters during the year, and no violence occurred during 14 small-scale evictions.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, a generally effective judiciary, and a functioning democratic political system together ensured freedom of speech and of the press.

There were 6 major privately owned newspapers, several periodicals, 1 government and 4 privately owned television stations, and 1 government and over 90 privately owned radio stations, all of which pursued independent editorial policies.

In an April survey by La Nacion newspaper of 81 journalists on their perception of freedom of the press, 56 percent of the journalists claimed that they had received some type of threat during the previous 12 months relating to the performance of their job. Of the threats received, 37 percent were threats of judicial prosecution, 19 percent were threats of economic reprisals against the employer, 19 percent were threats against the job security of the reporter, and 10 percent were threats of physical harm. Of the surveyed journalists, 85 percent indicated that they felt constrained in their practice by existing legislation, while 76 percent were unsatisfied with the slow progress the Assembly had made in reforming existing laws.

A 1996 "right of response" law provides persons criticized in the media with an opportunity to reply with equal attention and at equal length. Print and electronic media continued to criticize public figures; however, media managers found it difficult to comply with provisions of this law. The Penal Code outlines a series of "insult laws" that establish criminal penalties of up to 3 years in prison for those convicted of "insulting the honor or decorum of a public official." The law also identifies defamation, libel, slander, and calumny as offenses against a person's honor that can carry criminal penalties. The Inter-American Press Association and the World Press Freedom Committee asserted that such laws had the effect of restricting reporting by the media, and that they wrongly provided public officials with a shield from public scrutiny by citizens and the press.

The unsolved July 2001 murder of popular radio host Parmenio Medina led to considerable public debate on press freedoms and renewed attention to legislative proposals aimed at easing media restrictions. The Legislative Assembly created a committee to study the different proposals, but at year's end, debate continued, and the bill had not been approved. On December 23, the police arrested a suspect in the Medina murder, but no charges had been brought by year's end.

The Office of Control of Public Performances rated films and had the authority to restrict or prohibit their showing; it had similar powers over television programs and stage plays. Nonetheless, a wide range of foreign films was available to the public. A

tribunal reviewed appeals of the office's actions.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for these rights, and the Government generally respected them in practice.

In April hundreds of rice farmers convened in the port of Caldera to protest the unloading of imported rice and blocked the road for 2 days. Police forces dispersed the crowd with tear gas after rocks were thrown at a police vehicle, injuring 34 persons, mostly from exposure to teargas. The police briefly detained 15 persons for a few hours following the disturbance, but all were released without being charged.

In July protesters opposed to the introduction of a new automobile inspection requirement blocked several major highways in 2 days of protests. Taxi drivers, automobile mechanics, and union leaders alleged that the new requirement was too rigid, too expensive, and would force too many cars off the road. The protesters blocked roadways by burning tires and trees and set fire to one roadside restaurant and several vehicles. Police again used tear gas to clear the demonstrations. The police detained 175 participants and brought charges against 63 of them. Most were charged with hindering public services, instigating disorder, and aggravated resistance to police orders. Trial dates had not yet been set by year's end.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Constitution establishes Roman Catholicism as the state religion; however, it also prohibits the State from impeding the free exercise of other religions "that do not impugn universal morality or proper behavior." Members of all faiths freely practiced their religion without government interference. The law grants all churches tax-free status but allows the Government to provide land only to the Catholic Church. Religious education teachers in public schools must be certified by the Roman Catholic Church Conference, which does not certify teachers from other denominations or faiths. Denominational and nondenominational private schools were free to offer any religious instruction they saw fit. Foreign missionaries and clergy of all faiths worked and proselytized freely.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government respected them in practice. There were no restrictions on travel within the country, emigration, or the right of return.

There was a long tradition of providing refuge to persons from other countries. The law provides for granting asylum or refugee status in accordance with the standards of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and the Government admitted 4,634 persons as refugees under terms of the convention as of December. The office of the U.N. High Commissioner for Refugees (UNHCR) reported the total refugee population to be 11,987 as of September 30.

The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees. The Government made a distinction between political asylum and refugee status. The issue of the provision of first asylum did not arise. The UNHCR reported that the Government had received 3,517 requests for asylum as of October 31. The Constitution specifically prohibits repatriation of anyone subject to potential persecution, and there were no reports of the forced return of persons to a country where they feared persecution.

The authorities regularly repatriated undocumented Nicaraguans, most of whom entered the country primarily for economic reasons. However, following Hurricane Mitch in 1998, the Government announced a program of general amnesty for all Nicaraguans, Hondurans, and Salvadorans who were in the country prior to November 9, 1998. By the end of 2001, 213,037 Nicaraguans had qualified for and received legal resident status, most of them under this government amnesty program. According to the General Directorate of Migration, as of December, the Government had deported 3,992 and denied entry to 31,345 Nicaraguans.

The UNHCR reported that 7,225 Colombian refugees were resident as of September 30. The majority entered in legal visitor status and applied for residence. According to the UNHCR, 3,386 Colombians requested refugee status as of October 31, compared with 5,018 during 2001. These figures did not include other kinds of recognition, namely for family reunification. Those who sought temporary refugee status were expected to return to their country of origin once the period of conflict ended there.

Allegations of abuse by the Border Guard periodically arose. Although instances of physical abuse appeared to have declined,

there continued to be credible reports of extortion of migrants by border officials.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through free and fair elections held on the basis of universal suffrage and by secret ballot every 4 years. The independent Supreme Electoral Tribunal ensured the integrity of elections, and the authorities and citizens respected election results. The Constitution bars the President from seeking reelection, and Assembly members may seek reelection only after at least one term out of office.

In the February elections, the failure of any one presidential candidate to win 40 percent of the popular vote necessitated a runoff election in April, which was won by Abel Pacheco of the Social Christian Union Party. PUSC candidates won 19 of the Legislative Assembly's 57 seats. The National Liberation Party won 17 seats; the newly formed Citizen's Action Party won 14 seats; the Libertarian Movement Party won 6 seats; and the Costa Rican Renovation party won 1 seat.

Women encountered no legal impediments to their participation in politics and were represented increasingly in leadership positions in the Government and political parties. To increase women's representation in government, the Supreme Electoral Tribunal required that a minimum of 40 percent of candidates for elective office be female and that women's names be placed accordingly on the ballots by party slate. The First Vice President (who is also a cabinet member), the Minister of Education, the Minister of Children's Welfare, the Minister of Economy and Industry, the Minister of Health, the Minister of the Presidency, and the Minister of Women's Affairs were women. There were 20 women among the Legislative Assembly's 57 deputies, and women held several prominent offices in the 3 largest political parties. The Foundation of Women Parliamentarians of Costa Rica promoted women's involvement in politics through informational meetings and public awareness campaigns and also worked for a number of social objectives, including the decentralization of government.

Indigenous people may participate freely in politics and government; however, in practice, they have not played significant roles in these areas, except on issues directly affecting their welfare, largely because of their relatively small numbers and physical isolation. They accounted for about 1 percent of the population, and their approximately 20,000 votes constituted an important swing vote in national elections. No member of the Legislative Assembly identified himself as indigenous.

There were three Afro-Caribbean members in the Assembly; one represented San Jose province and two represented the Caribbean province of Limon. The country's 100,000 Afro-Caribbeans, who mostly resided in Limon province, enjoyed full rights of citizenship, including the protection of laws against racial discrimination.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Various human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views. The Costa Rican Commission for Human Rights and the Commission for the Defense of Human Rights in Central America monitored and reported on human rights, as did the Ombudsman's office.

The Legislative Assembly elects the Ombudsman for a 4-year, renewable term. The Ombudsman's office was part of the legislative branch, ensuring a high degree of independence from the executive branch. The law provides for the functional, administrative, and judicial independence of the Ombudsman's office. The office was divided into nine different directorates, including one for women's issues, one for children and adolescents, as well as a "special protection" directorate for populations such as indigenous people, senior citizens, prisoners, persons with disabilities, immigrants, etc. The Ombudsman opened regional offices in Ciudad Quesada and Liberia.

Several international organizations concerned with human rights, including the Inter-American Institute for Human Rights and the Inter-American Court of Human Rights, were located in San Jose.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides that all persons are equal before the law, and the Government generally respected this provision.

Women

The Government identified domestic violence against women and children as a serious societal problem. The National Institute for Women (INAMU), an autonomous institution created in 1998 that is dedicated to gender equality, received 63,990 calls on its domestic abuse hot line from January through October. During this same period, INAMU counseled 4,097 female victims of abuse in its San Jose office and accepted 194 women in INAMU-run shelters. INAMU maintained 41 offices in municipalities around the country and had trained personnel working in 32 of the country's 81 cantons.

The Office of the Special Prosecutor for Domestic Violence and Sexual Crimes prosecuted 448 cases related to domestic

violence during the year, compared with 456 cases in 2001. INAMU reported that 24 women were killed in incidents of domestic violence during the year, compared with 11 in 2001.

The 1996 Law Against Domestic Violence establishes precautionary measures to help victims. At year's end, the Legislative Assembly was still debating a Bill to Qualify Violence Against Women as a Crime, which would classify certain acts of domestic violence as crimes and mandate their prosecution whether or not the victim pursued charges against the perpetrator. The authorities incorporated training on handling domestic violence cases into the basic training course for new police personnel. The domestic violence law requires public hospitals to report cases of domestic violence against women. It also denies the perpetrator possession of the family home in favor of the victim. Television coverage of this issue increased in news reporting, public service announcements, and feature programs. Reports of violence against women increased, possibly reflecting a greater willingness of victims to report abuses rather than an actual increase in instances of violence against women. The public prosecutor, police, and the Ombudsman all had offices dedicated to this problem. The law against sexual harassment in the workplace and educational institutions sought to prevent and punish sexual harassment in those environments.

Prostitution is legal for persons over the age of 18. The Penal Code prohibits individuals from promoting or facilitating the prostitution of individuals of either sex, independent of the individual's age, and the penalty is increased if the victim is under the age of 18.

The prohibition against trafficking in women for the purpose of prostitution was strengthened by a statute that went into effect in 1999, although trafficking was a problem (see Section 6.f.).

In the 2000 census, women constituted 49.6 percent of the population. In 1998 President Rodriguez created the office of Minister of Women's Affairs, who also heads INAMU. The 1990 Law for the Promotion of the Social Equality of Women prohibits discrimination against women and obligates the Government to promote political, economic, social, and cultural equality. As part of its 3-year National Plan for Equality of Opportunity between Women and Men, the Government established an office for gender issues in almost all ministries and most parastatal organizations.

According to the U.N. Development Program, women over age 15 represented 36.6 percent of the labor force. Most women (76 percent) worked in the service sector, with the remainder working in industry (17 percent) and agriculture (6 percent). Women occupied 45 percent of professional and technical positions, and 30 percent of legislative, senior official, and managerial positions. The Constitution and Labor Code require that women and men receive equal pay for equal work; however, the estimated earned income for women was approximately 78 percent of the earned income for men, despite the fact that 20.5 percent of women in the workforce had some university instruction, compared to 11.4 percent of men.

Children

The Government was committed to children's rights and welfare through well-funded systems of public education and medical care. The law requires 6 years of primary and 3 years of secondary education for all children. There was no difference in the treatment of girls and boys in education or in health care services. In 1998 the Legislative Assembly passed a constitutional amendment increasing spending on education from 4 percent to 6 percent of GDP. The country had a high rate of literacy (95 percent) and a low rate of infant mortality (10 persons per 1,000). The Government spent over 5 percent of GDP on medical care. The autonomous National Institute for Children (PANI) oversaw implementation of the Government's programs for children. In May President Pacheco made PANI's Executive Director a minister, with the title of Minister of Child Welfare.

In recent years, the PANI increased public awareness of abuse of children, which remained a problem. From January to June, the Institute intervened in 4,480 cases of abandonment (compared with 3,640 cases in the first 6 months of 2001), 403 cases of physical abuse (compared with 1,246), 3,475 cases of sexual abuse (compared with 573), and 1,601 cases of psychological abuse (compared with 941) of children. The PANI attributed the increase in cases to better reporting capabilities, an expansion of the definition of child abuse, and simply more abuse. In addition, the 1997 Code of Childhood and Adolescence redefined psychological abuse and increased awareness of it. Traditional attitudes and the inclination to treat such crimes as misdemeanors sometimes hampered legal proceedings against those who committed crimes against children.

The Government, police sources, and UNICEF representatives acknowledged that child prostitution was a serious problem (see Section 6.f.).

The NGO Casa Alianza operated a 24-hour telephone help line that received 71 accusations of exploitation of minors from January through August. In 2000 the organization made a presentation to the IACHR about what it termed the growing commercial sexual exploitation of children in the country. Casa Alianza criticized the Government for not providing the PANI with 7 percent of the national tax revenue since 1998, as stipulated by the law creating the PANI, and also criticized the Government for the relatively low number of persons actually charged, found guilty, and sentenced for child exploitation.

The fiscal austerity measures of the Pacheco administration resulted in a 26 percent cut in PANI's budget during the year, and the same reduction was set to be applied to PANI's 2003 budget. The cuts resulted from the Government's reduction of the amount of money transferred to the Social Development and Family Allocation Fund, which is the primary source of PANI's funds. The Ombudsman decried the reductions and pledged to restore PANI's budget by seeking donations from international organizations.

Persons with Disabilities

The 1996 Equal Opportunity for Persons with Disabilities Law prohibits discrimination, provides for health care services, and mandates provision of access to buildings for persons with disabilities. This law was not enforced widely, and many buildings remained inaccessible to persons with disabilities. A 2000 government study concluded that only 35 percent of the law's stated goals had been implemented. Nonetheless, a number of public and private institutions made efforts to improve access. In 1999 the PANI and the Ministry of Education published specific classroom guidelines for assisting children with hearing loss, motor difficulties, attention deficit disorder, and mental retardation. The Ministry of Education operated a Program for Persons with Disabilities, including a national resource center that provided parents, students, and teachers with advanced counseling, training, and information services. The Ministry reported that 17,201 students with disabilities were registered in the school system during the year, and that 46 special education centers had been created.

Indigenous People

The population of about 3.85 million includes nearly 40,000 indigenous persons among 8 ethnic groups. Most lived in traditional communities on 22 reserves which, because of their remote location, often lacked access to schools, health care, electricity, and potable water. The Government, through the National Indigenous Commission, distributed identification cards to facilitate access to public medical facilities in 1999. The Government also built a medical clinic and several community health centers in indigenous areas. The Ombudsman had an office to investigate violations of the rights of indigenous people.

Section 6 Worker Rights

a. The Right of Association

The law specifies the right of workers to join unions of their choosing without prior authorization, and workers exercised this right in practice. About 15 percent of the work force was unionized, and approximately 80 percent of all union members were public sector employees. Unions operated independently of government control.

Some trade union leaders contended that the existence of worker "solidarity associations" in some enterprises displaced unions and discouraged collective bargaining. However, since 1993, these non-dues-paying organizations were prohibited by law from representing workers in collective bargaining negotiations or in any other way assuming the functions of or inhibiting the formation of trade unions. Instead, their function was to offer membership services, including credit union programs, matching-fund savings accounts, and low-interest loans. In some instances, employees had access to both trade union membership and solidarity association services at the same time.

In December the AFL-CIO filed a petition with the U.S. Trade Representative to remove the country from the list of beneficiary countries under the U.S. General System of Preferences and the Caribbean Basin Economic Recovery Act. The AFL-CIO alleged that some employers used solidarity associations, together with legal provisions that permitted the negotiation of "direct agreements" between employers and unrepresented workers, to establish employer-controlled organizations. The petition also alleged that the Government did not accord workers internationally recognized worker rights, specifically the freedom of association and the right to organize and bargain collectively.

A November 2001 ILO report summarized the results of its technical assistance mission, which found that unions were independent, active, and enjoyed the right to organize and express their views freely. According to the ILO, unions represented all types of workers and actively participated in bipartite and tripartite negotiating structures. The law prohibits discrimination against union members and imposes sanctions against offending employers. The ILO report, however, noted continued problems related to the slowness and inefficiency of redress procedures for unjustified firings and discriminatory antiunion measures, especially in the private sector.

There were no new developments during the year in the ILO complaint filed by a union alleging antiunion discrimination in the banana industry, or on a complaint filed by the teachers union.

The ILO's Committee of Experts (COE) identified several deficiencies in the labor law. Each year since 1998, the ILO encouraged the Government to adopt new measures to bring its law and practice in full compliance with internationally recognized worker rights. The Constitutional Chamber ruled that the National Inspection Directorate must comply with the 2-month time limit for investigations. The ILO criticized this procedure for giving no guarantee or reparations for damages caused, even if the legal deadlines were respected, since the labor inspectors simply certify the wrongdoing but file no charges. Most cases took up to 2 months to resolve, but some may take longer if the judge decided that an unusual situation merited further investigation and required witnesses. Delays in processing court rulings were common throughout the judicial branch, with little improvement in the slow and ineffective recourse procedures in response to antiunion discrimination. The Ministry of Labor continued its efforts to modernize the National Inspection Directorate, to enable it to support worker rights by increasing the authority of regional officers to investigate and process cases of alleged abuse by employers. These regional offices also established local forums where government officials, employers, and employees could discuss labor issues. Inspectors were provided increased opportunities for training and participation in Ministry of Labor administration.

Unions could form federations and confederations and affiliate internationally.

b. The Right to Organize and Bargain Collectively

The Constitution protects the right to organize. Foreign nationals are expressly prohibited from exercising direction or authority in unions. Since 1998 the COE specifically addressed this problem and repeatedly expressed its hope that the Government would adopt reforms to bring this law and practice into full conformity with internationally recognized norms. Specific provisions of the 1993 Labor Code reforms provide protection from dismissal for union organizers and members during union formation; however, the employer is not obligated to follow any specific procedures to prove grounds for dismissal. The revised provisions require employers who are found guilty of unfair labor practices to reinstate workers fired for union activities; however, enforcement of the measure was lax.

The November 2001 ILO report commented on several rulings issued by the Constitutional Court that "emphasized the confusion, uncertainty, and even legal insecurity" with regard to the scope of public sector employees to bargain collectively. The COE "expressed its deep concern over this situation which constitutes a serious violation . . . of the right to collective bargaining in the public sector." The COE urged the Legislative Assembly to ratify ILO Conventions 151 and 154, which would make it possible to find solutions to the problems that exist. A group of legislators also began working on a bill to amend the Constitution specifically to provide for the right to collective bargaining.

Private sector unions had the legal right to engage in collective bargaining; however, collective bargaining diminished as a result of several factors, including lengthy delays in court processing of unfair dismissal suits and solidarity associations in effect displacing trade unions. The ILO report drew attention to the "enormous imbalance" in the private sector between the number of collective agreements concluded by trade union organizations (12, with very low coverage – 7,200 workers) and direct pacts concluded by nonunionized workers (130). The COE noted that trade union confederations linked this imbalance with employers or solidarity associations, an allegation that employers denied. The ILO requested that the Government take the necessary measures to promote collective bargaining within the meaning of ILO Convention 87 and to hold an investigation by independent persons concerning the reasons for the increase in direct pacts with nonunionized workers.

The Constitution and Labor Code restrict the right of public sector workers to strike. However, in 1998 the Supreme Court formally ruled that public sector workers, except those in essential positions, had the right to strike. Even before this ruling, the Government had removed penalties for union leaders participating in such strikes. Nonetheless, the COE reported that workers in the rail, maritime, and air transport sectors were prohibited from exercising their right to strike.

In 2000 the Supreme Court's Constitutional Chamber clarified the law forbidding public sector strikes. It ruled that public sector strikes could be allowed only if a judge approved them beforehand and found that "services necessary to the well-being of the public" were not jeopardized. Public sector workers who decided to strike could no longer be penalized by a prison sentence but could face charges of breach of contract.

There were no legal restrictions on the right of private sector workers to strike, but few private sector workers belonged to unions. Private sector strikes rarely occurred, and there were no major strikes during the year.

All labor regulations applied fully to the country's nine export processing zones (EPZs). The Labor Ministry oversaw labor regulations within the EPZs.

c. Prohibition of Forced or Bonded Labor

The Constitution prohibits forced or bonded labor, and there were no reports that it occurred. Laws prohibit forced and bonded labor by children, and the Government generally enforced this prohibition effectively.

d. Status of Child Labor Practices and Minimum Age for Employment

The Constitution and the Labor Code provide special occupational protection for minors and pregnant and nursing women, and establish a minimum working age of 15 years. Adolescents between the ages of 15 and 18 may work for a maximum of 6 hours daily and 36 hours weekly with special permission from the PANI, while children under the age of 15 may not work legally. The PANI, in cooperation with the Labor Ministry, generally enforced these regulations in the formal sector. Due to limited government resources for enforcement, some children worked on the fringes of the formal economy in violation of these limits. Youths under the age of 18 may not work in the banana industry. According to PANI estimates for 2000, 19 percent of children between the ages of 5 and 17 were employed in domestic tasks, while 15 percent worked outside the home. In October the Labor Ministry reported that 72,000 children between the ages of 5 and 16 worked illegally instead of attending school. Another 16,000 children between the ages of 16 and 18 quit school to work. According to a 1998 survey, children between the ages of 5 and 11 were paid only 11.6 percent of the minimum wage, those between the ages of 12 and 14 were paid 21 percent of the minimum wage, and the group between the ages of 15 and 17 was paid 56 percent of the minimum wage.

With help from the ILO, the Labor Ministry was working to phase out child labor in the formal sector and asked employers of children to notify the Ministry of such employment. The National Directive Committee for the Progressive Eradication of Child

Labor and Protection of Adolescent Laborers includes representatives from the PANI, the Ministry of Labor, the Ministry of Justice, the Ministry of Public Security, the Ombudsman's Office, UNICEF, the ILO, and area universities. The Ministry of Labor maintained an Office for the Eradication of Child Labor, which cooperated with projects sponsored by the ILO, U.N. Development Program, and other entities. Nonetheless, child labor remained an integral part of the informal economy, particularly in small-scale agriculture and family-run microenterprises selling various items, which employed a significant proportion of the labor force. Child prostitution was a serious problem (see Section 6.f.).

e. Acceptable Conditions of Work

The Constitution provides for a minimum wage. A National Wage Council, composed of three members each from government, business, and labor, set minimum wage and salary levels for all sectors. Monthly minimum wages for the private sector were adjusted on July 4 and ranged from approximately \$144 (51,732 colones) for domestic employees to approximately \$560 (203,571 colones) for some professionals. Public sector negotiations, based on private sector minimum wages, normally followed the settlement of private sector negotiations. The Ministry of Labor effectively enforced minimum wages in the San Jose area but did so less effectively in rural areas. Especially at the lower end of the wage scale, the minimum wage was not sufficient to provide a worker and family with a decent standard of living.

The Constitution sets workday hours, overtime remuneration, days of rest, and annual vacation rights. Although often circumvented in practice, it also requires compensation for discharge without due cause. Generally, workers may work a maximum of 8 hours during the day and 6 at night, up to weekly totals of 48 and 36 hours, respectively. Nonagricultural workers receive an overtime premium of 50 percent of regular wages for work in excess of the daily work shift. However, agricultural workers did not receive overtime pay if they voluntarily worked beyond their normal hours. Little evidence existed that employers coerced employees to perform such overtime.

A 1967 law on health and safety in the workplace requires industrial, agricultural, and commercial firms with 10 or more workers to establish a joint management-labor committee on workplace conditions and allows the Government to inspect workplaces and to fine employers for violations. Most firms subject to the law established such committees but either did not use the committees or did not turn them into effective instruments for improving workplace conditions. The Government did not provide sufficient resources to the Labor Ministry to ensure consistent maintenance of minimum conditions of safety and sanitation, especially outside San Jose, or to verify effectively compliance with labor laws by the country's approximately 42,000 companies. In June and August, two industrial accidents brought attention to the lack of labor occupational safety inspectors operating in the country. Workers had the right to leave work if conditions become dangerous; however, workers who did so may jeopardize their jobs unless they filed written complaints with the Ministry of Labor.

f. Trafficking in Persons

The law prohibits trafficking in women for the purpose of prostitution, and a 1999 statute strengthens this prohibition; however, Costa Rica was a transit and destination country for trafficked persons. Isolated cases of trafficking have involved persons from Africa, Asia, Bolivia, China, Colombia, Cuba, the Dominican Republic, and the Middle East. There also were reports of girls from the Philippines being trafficked to the country for the purpose of sexual exploitation.

The Criminal Code prohibits trafficking in women and minors for the purpose of prostitution, but it does not address all severe forms of trafficking. In November 2001, the General Directorate of Migration implemented an executive decree to prohibit persons linked to trafficking from entering Costa Rica. In December 2001, a law entered into force that permits the use of wiretaps in investigations of trafficking, although legal guidelines governing the use of wiretaps were so strict that investigators rarely used them.

Child prostitution was a serious problem. Although no official statistics existed, the PANI identified street children in the urban areas of San Jose, Limon, and Puntarenas as being at the greatest risk. Estimates of the number of children involved in prostitution varied widely, and the only scientific studies focused on limited areas. The 1999 Law Against the Sexual Exploitation of Minors specifically penalizes persons who use children and adolescents under age 18 for erotic purposes and makes it a crime to engage in prostitution with minors. An adult who pays for sex with a minor can be sentenced to 2 to 10 years in prison. The Government took steps to enforce this law and raided brothels and arrested clients. The law provides for prison sentences from 4 to 10 years for those managing or promoting child prostitution. On December 5, a court convicted five persons arrested in 2001 for sexual exploitation of children; two were sentenced to 30 years' imprisonment and three to 16 years.

A government Inter-Ministerial Group on Trafficking addressed the problem in the country. Each participating ministry reportedly incorporated preventive trafficking measures into its ministerial agenda. The Government supported prevention programs to combat sexual exploitation of minors and trafficking. There were limited formal mechanisms specifically designed to aid trafficked victims; however, the Government offered indirect assistance, such as stay-in-school programs, to child victims of trafficking. Victims were not granted temporary or permanent residence status and often were deported immediately to their country of origin.